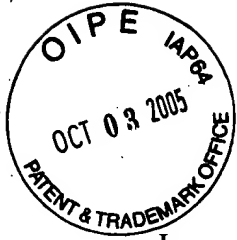


I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2005



Date 9/30/05

By [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Byers, Robert Andrew, Jr., et al.)
) Art Unit: 3627
Serial No. 09 / 892,800) Examiner: Thein, Maria Teresa T.
)
Filed: June 27, 2001)
)
For: USER-SPECIFIC METHOD OF)
SELLING PRODUCTS, COMPUTER)
PROGRAM PRODUCT, AND SYSTEM)
FOR PERFORMING THE SAME)

DECLARATION UNDER 37 CFR§1.131 OF ROBERT ANDREW BYERS, JR.

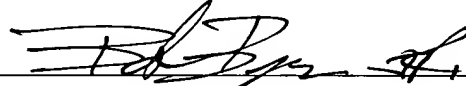
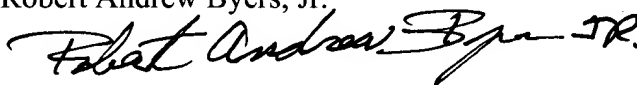
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. My name is Robert Andrew Byers, Jr., of Thousand Oaks, California. I declare that I am an inventor of the subject matter claimed in all claims of the above referenced patent application.
2. I declare that the invention claimed in all claims of the above referenced patent application was conceived of and reduced to practice at least as early as March 7, 2000.
3. I declare that the attached "Website Rewrite Proposal", dated June 3, 1999, and denoted as Exhibit A, is a true copy of what it purport to be and is evidence of prior conception of the subject matter claimed in the above referenced patent application.

4. I declare that attached printout from a test order, denoted "Welcome, Salina Regional Health Center, to e-QuickTM" dated March 7, 2000, and denoted as Exhibit B, is a true copy of what it purport to be and is evidence of prior reduction to practice of the subject matter claimed in the above referenced patent application
5. I declare that the computer program product and system embodied in the website that generated the order attached as Exhibit B, included all of the subject matter claimed in the above referenced patent application, and that this website was completed at least as early as March 7, 2000.
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application or patent issuing thereon.

9-13-05
Date


Robert Andrew Byers, Jr.


Other-World Internet Solutions

Exhibit A

1445 E. Los Angeles Ave. Ste. 201, Simi Valley, CA 93065

PHONE (805)579-0545 or (800) 493-2237 - FAX (805)582-4857 -Tech Support: (805)579-1631

Email: sales@other-world.com - Web: <http://www.other-world.com>

Date: June 3, 1999

Estimate #1282

TO: **Tri-Anim Health Services, Inc.**
TheSourceBook.Com
Mark Conner
Tel: (818)362-6882
Fax: (818)364-0998

WEBSITE REWRITE PROPOSAL

Dear Mark,

Thank you for this opportunity to bid on the rewrite of the TheSourceBook.com. I am sure we can greatly improve upon the existing system utilizing some of the new hardware and software technologies available. I have broken this proposal down as much as possible into Required and Optional elements. The **(current)** label represents the bare minimum requirements to duplicate the current functionality of TheSourceBook.Com but within a more standard framework, which will make updates more easily maintained. The **(enhanced)** label represents enhancements, to the existing system that give more functionality for the user, administrators, ease of growth and fault tolerance. All elements are broken down with an estimated number of hours, our current hourly rate is \$95/hour.

Each section detail is labeled with one of the following labels that correspond to the priced quote at the end of this proposal.

Labels:

(current) – To duplicate the functions of the current system utilizing latest hardware/software.

(enhanced) – To add specific functions to the current system easing use and administration.

(SQL Enhanced) – To separate data services, add remote direct data access, provide scalability.

(FT/LB Enhanced) – To provide Fault Tolerance, Load Balancing for scalability and reliability.

(Fax Enhanced) - To add faxing capability for customers and/or in-house departments.

Each label requires certain hardware, software and special programming

The hourly figures in the proposal are estimates and should not be considered a fixed quote. We perform our work on an hourly basis and as work is done on projects, changes usually are requested that may increase or decrease the workload.

Hardware Requirements

Minimum Hardware:

Single Server: Pentium III 500 Mhz
512 MB Ram
18 Gig U2 SCSI Wide Seagate Cheetah
No monitor, No Keyboard, No Mouse
1 year, parts and labor warranty
\$5,000.00 Approx.

Preferred Hardware, Dual Servers:

Web Server:

Dual Pentium III 500 Mhz
512 MB Ram
9 Gig U2 SCSI Wide Seagate Cheetah
(1 or more of these needed, based on traffic and fault tolerance requirements)
No monitor, No Keyboard, No Mouse
1 year, parts and labor warranty
\$5,700.00 Approx.

Database Server:

Dual Pentium III 500 Mhz
512 MB Ram
18 Gig U2 SCSI Wide Seagate Cheetah
No monitor, No Keyboard, No Mouse
1 year, parts and labor warranty
\$6,500.00 Approx.

Hardware Discussion

The existing site can be created on a single server as detailed above under minimum hardware.

This minimum hardware will outperform the existing server and handle upwards of 5-10,000 user sessions* a day.

To be capable of regularly supporting a large upswing in traffic (> 8,000 user sessions a day) and to have the ability to easily add more hardware to support larger loads, the Multi Server option is required. By separating the Web services from the Database Services and coding the system around this model, true scalability can be achieved.

Determining factors to select this model:

1. Anticipated growth of visitors.
2. Anticipated growth of catalog size
3. Level of Fault Tolerance desired (how mission critical is the system)

*User sessions are defined as a set of queries, performed by one individual user.

Software Requirements

Minimum Software

Windows NT 4.0 w/ Option Pack

Web Trends Log Analyzer 4.5

Cold Fusion 4.0 Professional

Optional Software

Cold Fusion 4.0 Enterprise

Microsoft SQL Server 7

Protofax Fax Server

Software Discussion

The current system resides on a Windows NT 3.51 server running IIS 2.0 and Cold Fusion 2.0

Minimum requirements would be to upgrade to Windows NT 4.0 with IIS 4.0 and Cold Fusion 4.0 Professional.

Y2K compliance would be achieved with this minimum configuration.

Optional Upgrades:

Cold Fusion 4.0 Enterprise enables Load Balancing and Auto Failover to alternate web servers in the event of a hardware or software failure. These features would enable a higher level of fault tolerance with the system and would be required if the system were deemed 'mission critical'. By Clustering several servers together the load is shared and balanced over each server. Multiple Web servers would be needed to take advantage of this software. (One copy of this software is required for each Web Server) **(FT/LB Enhanced)**

Microsoft SQL Server 7 would enable us to offload all data for the system to one common database that can be accessed directly by remote sites such as your IS Data Center utilizing a SQL gateway server. This will give your IS department greater control over access and updating of the data. By having the database reside on a separate server, system resources can be optimized. SQL Server also gives us the scalability we need to support a very large number of users. **(SQL Enhanced)**

Proto Fax Server : By adding Protofax server to one or more of the web servers and installing a dedicated phone line in our hosting facility, you now have the capability of sending faxes from the website. Using this system, you can fax notifications of orders to yourself and customers. As well as any other faxing requirements. **(Fax Enhanced)**

TheSourcebook.com - Main Systems and Requirements:

User Functions

Item Catalog

Catalog Searching (current 10 hours)

Text Searching by, Product Description, Item Number, or Manufacturer. Standard searching via a keyword search option will always be available on any browsing screen.

Text Searching the whole catalog or only those items within the currently selected category (product type, product name, manufacturer) (enhanced 2hours).

Catalog Browsing (current 10 hours)

Browse the items by selecting a main category (product type, product name, manufacturer), and then drilling each section down until you come to your items. You can add items to your shopping basket as you find them.

Online Customer Accounts

Online Registration (current 5 hours)

If the customer visits the site without having been registered, they may fill out an online registration form that will setup their account but make it inactive.

Administrators will be able to review (enhanced 5 hours) the online registrations and make them active or delete them as needed. This will speed the process of getting your existing customer base online.

Username / Password Login Ability (current 3 hours)

Access to the customer specific areas (Personalized Area) of the website will be password protected.

This section will also use a cookie system so the user can choose to have the site 'Remember' them so they do not have to enter their username and password every time. (enhanced 2 hours)

Personalized Area (enhanced 10 hours)

This system will give each logged on user a PERSONAL Area where they will have the capability to access customer specific data. They can change Username/Passwords. They can view a historical view of previous orders, track current order status and place future orders on their personalized order entry screen. This order screen will be made simple by prelisting the most common items previously ordered by this customer. It will also present customer specific pricing.

Customer Specific Pricing (CSP) (current 10 hours)

When a user logs in to the system to use the personal area, they are identified as a registered customer. Each registered customer can be configured with specific pricing on certain items. As items are displayed to the customer they are shown their special pricing (perhaps in relation to retail pricing so they see their discount). CSP is determined by updates to the CSP table as detailed in administrative functions.

Online Ordering Capability (current 19 hours total)

Personal Order Form(10hrs) – Most Recently Ordered Items.

Possible enhancement: Selecting previous orders to reprocess for those customers that order the same set of products over and over. It would also be possible to let them schedule orders to process automatically at certain timed intervals for regularly purchased items. The system could email them prior to actually placing the order so they can be reminded of the pending order and they would have the option of cancelling or rescheduling it. **(This section is not quoted on, it will need to be discussed further if interest is there approx 20 hours)**

Public Order Form(7hrs) – Shopping basket approach, selecting items throughout the site by browsing/searching adding each item to the shopping basket and checking out using a common public checkout form.

(Note: The current system does not use a secure server to transmit credit card information. This should be a requirement. You will need to acquire a certificate key through Verisign, Inc. This will be added to the system and used for all order forms and web based administration screens. Verisign Key Cost: \$350 for the first year and \$250 annual renewal payable to Verisign) Ref: <http://www.verisign.com> (2hours)

Administrative Functions

All updates will be available through the Web based Administration screen as well as the IS Link via SQL Server and FTP. The Web based Admin screens will be in a secure password protected subdirectory accessed through Secure Server SSL Encryption.

Catalog Updates

Current System (current 20hours):

The current system utilizes an FTP upload of a part number or catalog update file. This file is coded with actions to take on specific part records. A daily process runs on the webserver to execute the actions of this file. This functionality will continue to be available.

Enhanced Systems

(enhanced 15hours) Web Based administration screens will let you pull up parts by various means (search,browse) and add/edit/delete properties of them.

(SQL enhanced): By utilizing SQL Server through the Internet, updates can be more closely interfaced with inhouse systems. This includes updating data on the web server as well as pulling order data back to the corporate IS department. Much greater control and flexibility can be achieved.

Customer List Updates

The webserver maintains a customer list with login information for all customers who use the system. This customer list can be maintained through the FTP action file upload method (**current 7 hours**), through a web based administration screen (**enhanced**) or by accessing SQL Server Remotely (**SQL enhanced**).

Customer Specific Pricing (current 7 hours)

As part of the administration area and/or the IS Department Link with SQL Server, specific pricing based on customer login will be implemented. Updates to CSP can be done via an IS update or individually from the Web Based Admin screens.

CSP via Web based admin screens: The admin screens will be designed to enable modify CSP based on several factors.

1) Selection of Items to assign a CSP

Select by item number range, product category, and product manufacturer.

2) Method to assign a CSP to selected items:

Assign CSP by % discount, Specific Price or other methods you require.

Order Retrieval

Email Notification of Orders – (**enhanced 2 hours**)

Fax notification – (**fax enhanced 12 hours**)

Order Downloads – (**current 7 hours**)

Cost Summary

Each labeled section is estimated below with an approximate number of hours. Each desired section must be added together to determine total estimate. **Current is Required.**

Current	Approximately 97 hours at \$95/hour.	- \$9,215.00
Requires at least the minimum hardware and software that is listed in the first section.		
Enhanced	Approximately 36 hours at \$95/hour.	- \$3,420.00
SQL Enhanced	Approximately 15 hours at \$95/hour.	- \$1,425.00
	Requires Microsoft SQL Server 7	- \$1,399.00
FT/LB Enhanced	Approximately 19 hours at \$95/hour.	- \$1,805.00
	Requires Cold Fusion Enterprise Version for each web server	- \$3,495.00 x # of web servers
Fax Enhanced	Approximately 12 hours at \$95/hour.	- \$1,140.00
	Requires ProtoFax Server	- \$295.00
Also Requires Fax Modem in one WebServer and dedicated phone line installed at OtherWorld		

Thank you for the opportunity to provide you with this estimate. If we can be of any further help to you in determining needs or capabilities, please call.

Exhibit B

Welcome, Salina Regional Health Center , to e-Quick™.

- Type in the quantity for each part number you wish to order. To add a product not shown, type in the part number and quantity at the bottom of the screen.
- When you're finished, click "Process Order".

118 Items in e-Quick™

Showing Page: [1] 2 3 4 5 6

Part Number	Description	Pkg	Your Price	Qty
08-4059	Test plug, 35 degree	each	\$3.95	<input type="text" value="0"/>
08-4059-38C	Test plug, 38 degree	each	\$3.95	<input type="text" value="0"/>
08-4059-45C	Test plug, 45 degree, high temp set	each	\$3.51	<input type="text" value="0"/>
08-A8000	Pump with spike, 24" tubes	10/cs	\$30.77	<input type="text" value="0"/>
08-A8348	Volume ventilator circuit, 6' with wick and 1 water trap	10/cs	\$168.15	<input type="text" value="0"/>
09-6106GC	E cylinder cart, reinforced gauge guard, fits most Bourdon gauge and flowmeter regulators, green	each	\$61.00	<input type="text" value="0"/>
09-610WC	Wheelchair bracket for small size cylinder, green	each	\$45.00	<input type="text" value="0"/>
099-AL2008	Nebulizer adapter only with 28% to 98% oxygen settings; for use with ALP reservoirs	24/cs	\$56.92	<input type="text" value="0"/>
099-AL2500	500ml prefilled water reservoir for use with nebulizer or humidifier adapters	12/cs	\$14.40	<input type="text" value="0"/>
099-AL2502	500ml prefilled water reservoir with humidifier adapter	12/cs	\$18.75	<input type="text" value="0"/>
099-AL2508	500ml prefilled water reservoir with nebulizer adapter	12/cs	\$41.25	<input type="text" value="0"/>
103-11160	Universal bite block	50/cs	\$130.00	<input type="text" value="0"/>
108-208	8 French, pink, elbow, 15mm OD, 14" catheter	20/cs	\$323.07	<input type="text" value="0"/>
181-1005	Hanger for ventilator circuit	50/cs	\$44.25	<input type="text" value="0"/>
181-14772	Volume ventilator circuit for Avian with 6' tubing	20/cs	\$166.25	<input type="text" value="0"/>

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Date 9/30/05
By [Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Byers, Robert Andrew, Jr., et al.)
) Art Unit: 3627
Serial No. 09 / 892,800) Examiner: Thein, Maria Teresa T.
)
Filed: June 27, 2001)
)
For: USER-SPECIFIC METHOD OF)
SELLING PRODUCTS, COMPUTER)
PROGRAM PRODUCT, AND SYSTEM)
FOR PERFORMING THE SAME)

DECLARATION UNDER 37 CFR§1.132 OF KENNETH R. TAYLOR

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. My name is Kenneth R. Taylor of New Hampton, New Hampshire. I declare that I am the owner of Advanced Systems and Software Technologies, L.L.C., and that the attached personal data sheet is an accurate reflection of my credentials.
2. I declare that I am one of at least ordinary skill in the arts of software design and programming, including the design and programming of methods and systems for selling products over computer networks.
3. I declare that I have read the above referenced patent application, including the claims as currently amended, the Official Actions dated October 6, 2004 and March 31, 2005, the

applicants' amendment dated January 6, 2005, and the Barnes and Willner references cited by the Examiner.

4. I declare that the subject matter of claims 1,2,5,8 and 9 was described in such a way as to enable me, or others of ordinary skill in the relevant arts, to make and use the invention as claimed therein. In particular, each of these claims, as amended, claims "a method for receiving an order over an electronic network, wherein said steps of said method are performed by a seller computer that electronically communicates with a buyer computer via the electronic network". Further, the steps recited in each claim indicate that it is not the buyer, and only the buyer, who performs all of the steps without seller interaction, as asserted by the examiner. Rather, the method set forth in claim 1 recites the steps that are performed by the seller computer, which is programmed to automatically interact with the buyer based upon electronic communications received from the buyer. I declare that the interaction with the seller computer, such as processing and transmitting the order information to the seller so that the order is delivered or shipped to the buyer, is not critical or essential to the practice of the receiving an order over an electronic network. I further declare that, based upon my review of the original claims and specification, that the description of the original patent application clearly allows persons of ordinary skill in the art to recognize that inventors invented what is claimed in claim 1, as amended.
5. I declare that the Barnes reference does not disclose or suggest a user specific purchase history form comprising all products that were purchased during a specified time period, as claimed in each of the applicants' claims. In particular, I declare that a repeat of an old requisition request, which was asserted by the examiner to read on this limitation, does not provide the buyer with a list of all products purchased during a specified time period, nor does it provide the same advantages as the claimed user specific purchase history form. This declaration is based upon the fact that each old requisition request would include only those items purchased on that particular requisition request, which would require the buyer to search for and add products that were not included on the old requisition request, and would not allow the buyer to differentiate between similar products when placing their order. Conversely, the user specific purchase history form described and claimed by the applicant includes all products purchased within the time period, which allows the

buyer to place an order for any combination of previously ordered products and to easily recognize that similar products have been ordered in the past and to differentiate between the similar products when placing their order.

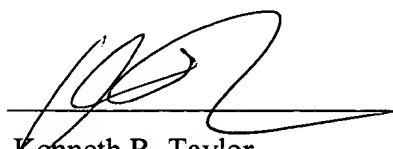
6. I declare that I would not be motivated to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is based partly upon the fact that the system disclosed in the Barnes reference allows a buyer to view only certain portions of the suppliers catalog based upon user settings managed by the by organization. Therefore, because buyers may not order all products previously purchased by the buyer's organization, there would be no need to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is also based upon the fact that the system disclosed in the Barnes reference does not allow users to place orders directly from prior requisitions.
7. I declare that I would not be motivated to combine the Barnes and Willner references cited by the Examiner to obtain a system including a user specific order entry form where a quantity entry field is the only fields in which entry of data by the user is required to purchase a product. I further declare that such a combination would not result in a method system or computer product that provides the advantages of the applicant's invention. These declarations are based upon the fact that Barnes fails to address the principal problem that is solved by the Applicants' claimed invention; i.e. the risk of error by insertion of incorrect part numbers and pricing on order forms. Barnes allows products to be ordered in two distinct ways; by allowing the user to browse through portions of the suppliers catalog to choose the desired products and add them to a requisition, in a manner similar to they would were they to browse through a catalog, and by allowing the user to effectively repeat transactions that have been previously set-up, as in cases where user generated templates are used or where prior requisitions of particular products are copied. I declare that each of these ways of placing an order is time consuming and has a significant risk of error. Where a new requisition is made, or a template set up, the user must sort through entire portions of the supplier's catalog in order to find the product or products that they need. In cases where similar products are found in the catalog and the user is unsure of which to choose, the user must go back to run reports on previously

ordered products, find the correct product, go back to the order form, and enter the correct product in the form. I declare that this problem is not eliminated in cases where templates are used or prior requisitions are repeated, as the user must find the correct prior requisition or template on the system, which can be time consuming and prone to error. Further, the user cannot add products directly to this requisition or template. Instead, the user is forced to create a new requisition or template in order to accomplish this task. I declare that each of these means for ordering products using the Barnes system is time consuming and prone to error. Accordingly, there is nothing in the Barnes disclosure that would suggest that it be modified to include the user specific purchase history form claimed by the applicants.

8. I declare that the Willner reference teaches away from the use of the claimed user specific order entry form because it discloses a purchasing system for internal use by a buyer organization in order to simplify the internal requisition process and not a system for use by a buyer and a seller. The Willner reference requires the user to select products from a database of vendor catalogs managed by the buyer's organization and does not provide any means for the user to view prior purchases. I declare that, were such a feature included or suggested, that there would be no need for the "compatibility check" performed by the Willner system.
9. I declare that a method for receiving an order, a computer program product, and a system that include the claimed user specific purchase history form in which a quantity entry field is the only field in which a user is required to enter data provides distinct advantages over current systems and, consequently, it is my belief that the applicants have identified and solved a problem that has heretofore gone unrecognized. It is likewise my belief that such a system would be in widespread use by this time if the problem solved thereby were recognized. Accordingly, I further declare that a method for receiving an order, a computer program product, and a system that include the claimed user specific purchase history form, are not obvious, either in light of the Barnes and Willner references cited by the Examiner for based upon the knowledge of those of at least ordinary skill in the art.
10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application or patent issuing thereon.

8/19/05
Date


Kenneth R. Taylor

Ken Taylor

41 Ridge Rd., New Hampton, NH 03256

voice (603) 744-5160; fax (603) 744-5167 krtaylor@as-st.com

PROFESSIONAL

President / Founder, Advanced Systems and Software Technologies LLC, June 1999—present. <http://www.as-st.com> Organized and managed international consortium of IT development experts to provide Website design and web-activated products. Coded and implemented Websites, including HTML, JavaScript, Perl, Java, JDBC, servlets (CGI), JSP, and frames. Coordinated and managed efforts of geographically diverse workers with projects and client relations. Conducted certification seminars for university professors covering Java, JDBC, SQL, Applets, AWT, and Java applications.

PROJECT EXPERIENCE

National Employee Training – <http://www.nationalemployeetraining.com>

- Online training and tracking system
- Large database and authentication to securely track training records

ACUINT – <http://www.acuint.net>

- Ethernet-based facility access control system
- Integration of Web-based software, security hardware, standard Ethernet equipment, and interface drivers into a comprehensive system
- Advanced database records all access activity, alarms, etc.

Scott McGuffin Law – <http://www.mcguffinlaw.com>

- Site oriented toward Elder Care law
- Comprehensive resources and links in the field

Thatsbiz – <http://www.thatsbiz.com>

- Online survey system for restaurant customers
- Reporting system for restaurant managers to view survey results

Sears Labs

- E-commerce ordering system
- Multi-level marketing / affiliate support
- Order fulfillment and accounting system
- Content management system

SKILLS

Business: Project management for strategic and IT projects.

Government: Currently hold an interim Top Secret clearance.

Web—HTML, JavaScript, e-commerce, site design, websites, databases

Java—Applets and applications, JDBC, JSP, AWT, Visual Café

Server—SQL, Linux, all Windows, PC maintenance, networking

Software—MS Office (all), QuickBooks, IE/Mozilla, Emacs, antivir/firewall

EDUCATION

Pursuing Master of Science in Information Systems, Strayer Univ. (in hiatus)

Bachelor of Science in Business Management with a minor in Public Speaking, Maranatha College, Watertown, WI. Magna cum laude, Dec. 1996.